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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,647	07/19/2006	Kazuo Kuroda	8048-1170	7715
⁴⁶⁵ YOUNG & THOMPSON 209 Madison Street Suite 500 ALEXANDRIA, VA 22314			<div>EXAMINER</div> <div>PSITOS, ARISTOTELIS M</div> <div>ART UNIT</div> <div>PAPER NUMBER</div> <div>2627</div> <div>MAIL DATE</div> <div>DELIVERY MODE</div>	
			08/11/2008 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/586,647

Applicant(s)

KURODA ET AL.

Examiner

Aristotelis M. Psitos

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The submitted IDS documents have been reviewed and made of record.

Claim Objections

Claims (for example only) 2, 3 are objected to because of the following informalities: The term "deice" is not understood. The examiner interprets it as —device ——. . . Appropriate correction is required.

Claims 15 and 16 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. These claims are not drawn to apparatus as found in the parent claim but method and program.

Errata-Specification

The examiner can find no specific program as required by claim 16 disclosed. Furthermore, the examiner can find no correspondence to the term "quasi-correspondence address" in the specification. Further clarification is respectfully required.

As far as the claims are understood and interpreted, the following rejections are made.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1, 2, 7-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the acknowledged prior art further considered with Yamamoto et al..

The acknowledged prior art is drawn to the well known OTP recording/reproducing apparatus/systems and appropriate hardware necessary to complete such. No novelty is seen in this.

With respect to the "capability" as recited in the claims, the above system is "capable" of doing so when considered with the additional teaching from Yamamoto et al - which discloses/teaches/presents record medium format having an appropriate "guard band" as required.

It would have been obvious to modify the base system, i.e., the acknowledged prior art (OTP) with this additional teaching/capability from Yamamoto et al, motivation is as discussed in Yamamoto et al – see the abstract for instance.

With respect to the phrase, "predetermined recording unit" and the address information thereof, this is present in the above combination of systems, i.e., the "predetermined recording unit" is a track of information in the data area, and such have address information.

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The remaining dependent limitations of claims 7-16 are present, i.e., such steps occur when writing into the second layer.

With respect to the "program" of claim 16, obviously a set of instructions must be included in the acknowledged prior art, else the system would not operate. The examiner interprets such as meeting the required/claimed "program" limitation of claim 16.

2. Claims 3,4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1, as stated above, and further in view of JP 2004-362726.

The examiner cannot readily ascertain the meaning of the phrase "correspondence address" of these claims, nevertheless the examiner interprets the "folding information" as disclosed in the JP document as meeting such.

It would have been obvious to modify the base systems as relied upon above in paragraph 1 with such "folding information" motivation is to ensure proper association of the information being recorded/reproduced.

Writing of data is performed sequentially and hence claim 4 is met.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1 and 2 as stated above, and further in view of Ross.

With respect to the "quasi-correspondence address" in these claims, the examiner interprets the teaching from Ross – i.e., of pointer information as meeting such.

It would have been obvious to modify the base systems as relied upon above in paragraph 1 with such additional teaching from Ross, motivation is to ensure proper rec/repr of the data as required.

Since data is recorded/reprod. Sequentially the limitation of claim 6 is met.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 13 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular:

a) these claims are written in dependent form and as such fail to further limit the parent claim by

- 1) limiting themselves to the recording apparatus – i.e., the introduction of the phrase “ ../ recording ../” is alternative language broadening the parent claim,
 - 2) in the case of claim 15 attempting to introduce method limitations to an apparatus parent claim.
- Appropriate correction is required.

Conclusion

The remaining art cited of interest to applicants.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-Thur: 6:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aristotelis M Psitos
Primary Examiner

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Art Unit 2627

/Aristotelis M Psitos/
Primary Examiner, Art Unit 2627